

1924.

File No. 312-24

Previous References.

courts

Serial Nos. 1-2

Later references.

per

GENERAL & REVENUE SECRETARIAT

Serial Nos. Two

Part B for August 1925

SUBJECT

Subject no 15 after October session of R.A. of
1924 re execution proceedings in respect of
decrees of Village courts

8000 P 4021-11 of 13-8-25

Done by court Hassan.
By court of alu Dils

States that the existing provisions
are satisfactory and Govt do not consider it
necessary to modify them.

Mamaswamy Gyer
20/8/25

No.15. Execution proceedings
in respect of decrees of vil-
lage courts.

by

Messrs. A.V. Suryanarayana Setty
and M.V. Naganna, Setty. Arakalgud.

Parties have to apply to the
Munsiff's courts if they want to take
execution proceedings in respect of
decrees obtained from the Village
Courts.

2)

This entails much hardship. It is
prayed that the Village Courts be em-
powered to execute such decrees.

Previous references

3)

Sec.51 of the V.C.Regulation.

Remarks by the Deputy Commr

4)

This raises a question of policy
and requires legislation. Perhaps
the desirability of making such de-
crees enforceable as if the decretal
amount were an arrear of land revenue
may be considered.

5)

for order

Q
15/9/24

~~the subject may be~~

ml

~~Consulted.~~

6)

This will depend upon
the question of the release
of the Communes, the
confidence of the people
the munsiff not abusing
their powers. The D.C.'s
may be consulted perhaps.

2561
17/9

7) d. d. d.

16/9

2) 15/9/24
17/9
18/9/24

The amount cannot perhaps
be treated as arrears of land
revenue. The hardship
as is imagined by the present practice
18/9/24

7)

18. Execution Proceedings in respect of decrees of Village Courts.

However I shall examine the question and pass necessary orders. (Dewan).

* Page 181 of proceedings of October 1924.

10) Lrd.
The Rev Court & the Chief Court may perhaps be consulted. Lrd.
with a draft for order:-

6/6/25 JMB
11) what are the existing powers of the V. M. Court now to execute decrees?

9/6 JMB
12) Lrd.
Kundallantern is invited to chapter VI
Secs. 45-67 of the Village Court Regn. wherein the
powers of the V. M. are presented in respect
of execution of decrees passed by them

Recd
10.6.25
JMB

13) The representation amounts to an
admission of a simple fact that the Village Court has no
powers of execution of decrees at all.
This is not correct.

14) Section 48 of the V. C. Regn (Page 43
Vol VI Mysore Code) gives the power.

That power is limited by Section 5/
to attaching & selling only moveable
properties of immovable properties
to be attached, the decree is to be executed
by a District Munsif Court under
Sections 66 & 67 which is a Village
Court.

15) If the representation is to
empower V. Courts to execute their

decrees against immovable properties also, it offends against the very scheme of the ~~V. C.~~ V. C. Regt. For it will be seen from Section 4, that the V. Court have jurisdiction ^{only} over suits in relation to money and moveable properties and not immovable properties. So that while the Court cannot pass a decree ^{regarding} ~~deal with~~ immovable properties, much less can it deal with it in executing decrees and in ~~proceedings~~, claim proceedings incidental thereto.

Beside, ~~to execute~~ decrees against immovable properties, involves a trained staff of assistants attached to the Village Court. This is not possible at present to provide the V. Court with such staff.

16) For these reasons, the members may be informed that it is not possible to give effect to their representation.

L.H. (Ses)

20
10/7

17) It is difficult to understand the representation.

The prayer is that the Village Court be empowered to execute the decrees passed by the Court.

There is already a provision (Sec 48) in the Regt. empowering the Court to execute its decrees.

It is represented that it is hard for a party to apply to the Munsiff for execution of a decree. Under Sec 66, the decree is only transferred to the Munsiff if the decree cannot be fully executed by the Village Court.

18) It should be noted that the V. Court has a ^{provision} ~~provision~~ to transfer the decree for execution under Sec 66.

Serial
No.

187

Perhaps the representation is that the provision relating to the transfer of the decree to the Munsiff for execution should be deleted.

19)

It seems to be that the judgment debtor should not be arrested or his immovable property should not be brought to sale in execution of a decree passed by a V. Court. The powers of transfer by V. Court & withdrawn by the Munsiff under Secs 66 & 67 respectively are to be exercised even by the Court for valid reasons.

20)

Under Sec 66, the discretion can only be exercised if the decree cannot be fully executed by the Court owing to the attitude taken up by the judgment debtor. It stands to common sense that the Decree holder should not be deprived of receiving the fruits of his labours in obtaining the decree, owing to the recalcitrance of the debtor who has put his movable property beyond the reach of his creditors.

21)

Under Sec 67, the Munsiff has power to withdraw the execution of any decree for just & sufficient cause.

22)

This I think, will be exercised if the V. Court acts perversely in the exercise of its discretion under the previous Section.

These provisions are, therefore, salutary
+ are necessary to be retained.

The prayer to delete them seems to be
unreasonable.

Therefore the merger cannot be granted
without deleting these provisions
in the Regulation. In such a case
the sanction of L.C. necessary.

It may be that it is not may
be a step in desirable + expedient
to refuse to merge of the members
be authorized accordingly. &c.

117.

17.3
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117) 117) with a draft

2.3/7/25
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Don't tip a fair draft
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22.7
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117) with a fair draft

31/7/25
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Seri
No
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To me Dy. Commr. Hassan
Dys Commr. ex officio
copy to R & Section

G.O. No. 804-11 of 13-8-23

~~State~~ States that the existing

provisions are satisfactory and you
do not consider it necessary to modify

them
The Dy. Commr. has
noted the above and
has no objection to
the same being
sent to the Dy. Commr.
for his consideration.

B
w/s

As 312-24-2

Proceedings of the Govt. of H.H. the
Maharaja of Mysore.

R e a d :--

Subject No.15 brought up for discussion in the October Session of R.A. of 1924 re. Execution proceedings in respect of decrees of Village courts.

O r d e r, No. 804-11 of 13/8/25

The representation is that the village courts ^{Munsiffs may} be empowered to execute the decrees passed by them. Under Sec.48, Village Courts Regulation, Village Munsiffs are empowered to execute their decrees, ^{and it is not in Cons. in which} ~~But Sec.51 does not~~ ^{that he arrests} ~~empower them to arrest a judgment debtor or to~~ ^{his} ~~attach immoveable property~~ ^{in such cases} the decree is to be ^{for execution} ~~executed~~ by the Munsiff ~~the~~ ^{under Sec 51 of the Regulation} existing provisions are salutary and Government do not consider it necessary to modify them.

The Dy.Commr. Hassan for communication to the member who moved the subject.
" Dy. Comrs. of & other Dts.
Copy to R.A.Section.

TD

[Signature]

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12/8